



Legislation Text

File #: 040705, Version: 1

040705
SUBSTITUTE
011110
THE CHAIR

Substitute resolution to grant a special privilege to Ambassador Enterprise, LLC to construct and maintain a retaining wall and movable planters for the premises at 2308 West Wisconsin Avenue and to construct and maintain an underground communications conduit connecting 2303 West Wisconsin Avenue and 2301 West Wisconsin Avenue, across West Wisconsin Avenue, in the 4th Aldermanic District in the City of Milwaukee. This resolution grants a special privilege to Ambassador Enterprises, LLC to construct and maintain a raised patio (not a retaining wall) in the public right-of-way abutting the building at 2308 West Wisconsin Avenue in North 23rd Street and to construct and maintain an underground communications conduit connecting the Ambassador Hotel at 2308 West Wisconsin Avenue and the Executive Inn at 2301 West Wisconsin Avenue. Whereas, Ambassador Enterprises, LLC had petitioned in 2002 under Common Council File Number 011110 to construct and maintain communications conduit connecting the Ambassador Hotel and the Executive Inn under West Wisconsin Avenue for the premises at 2308 West Wisconsin Avenue; and

Whereas, The applicant has confirmed the placement of said communications conduit under West Wisconsin Avenue; and

Whereas, The application for the communications conduit is now included in the current application for more efficient special privilege file management; and

Whereas, The applicant is currently petitioning to construct and maintain a retaining wall and moveable planters; and

Whereas, A site visit revealed the retaining wall to be a raised patio structure; and

Whereas, Ambassador Enterprises, LLC decided not to install the movable planters; and

Whereas, Said raised patio and conduit may only legally encroach into the public rights-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, That Common Council File Number 011110 is hereby placed on file as no longer needed; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Ambassador Enterprises, LLC, 2308 West Wisconsin Avenue, Milwaukee, WI 53233 is hereby granted the following special privileges:

1. To construct and maintain a raised patio that encroaches 11 inches into the 11-foot wide public sidewalk area on the west side of North 23rd Street. The patio encroachment is located 3 feet 1 inch north of the intersection of the north line of West Wisconsin Avenue and the west line of North 23rd Street. The patio runs parallel to the west line of North 23rd Street for a distance of 51 feet 11 inches. There is a square steel tube and steel cable

railing inset atop the raised patio structure.

2. To construct and maintain communications conduit connecting the Ambassador Hotel, 2308 West Wisconsin Avenue, and the Executive Inn, 2301 West Wisconsin Avenue, at a depth of approximately 4 feet. Said conduit commences at a point approximately 20 feet north of the north line of Wisconsin Avenue along the east building face of the Ambassador Hotel abutting North 23rd Street. The conduit runs perpendicular to the West Wisconsin Avenue 100-foot wide right-of-way. The conduit terminates along the north building face of the Executive Inn parallel to Wisconsin Avenue approximately 1 foot west of the east building face abutting North 23rd Street.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it;

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Ambassador Enterprises, LLC, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$120.22. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of

Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

7. Not now or in the future use of the cable communication facility in a manner that will conflict with the provisions of Chapter 99 of the Code of Ordinances regarding the transmission and distribution of video entertainment programming to subscribers.

8. Join and continue to be a member of Digger's Hotline, the one call system that operates in the Milwaukee area, as long as there is a private underground cable in the public right-of-way as described in this special privilege and as required in Section 182.0175(1m)(6) of the Wisconsin Statutes.

Department of Public Works

MDL:dr

January 27, 2006

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